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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL SCAVO, individually and ) Case No. 2:17-cv-03899-GEKP  
on behalf of all others similarly situated,) )  
Plaintiff, ) ) **CLASS ACTION**  
vs. ) )  
ACCOUNT DISCOVERY SYSTEMS, ) )  
LLC, and DOES 1 through 10, ) ) **FIRST AMENDED COMPLAINT**  
inclusive, and each of them, ) )  
Defendant. ) ) **FOR VIOLATIONS OF:**  
 ) )  
 ) )  
 ) )  
 ) ) **DEMAND FOR JURY TRIAL**  
 ) )  
 ) )  
 ) )  
 ) )

Plaintiff MICHAEL SCAVO (“Plaintiff”), individually and on behalf of all others similarly situated, alleges the following upon information and belief based upon personal knowledge:

**NATURE OF THE CASE**

1. Plaintiff brings this action individually and on behalf of all others similarly situated seeking damages and any other available legal or equitable remedies resulting from the illegal actions of ACCOUNT DISCOVERY SYSTEMS, LLC (“Defendant”).

## **JURISDICTION & VENUE**

2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff, a Pennsylvania resident, seeks relief on behalf of a Class, which will result in at least one class member belonging to a different state than that of Defendant, an New York company. Plaintiff also seeks up to \$1,500.00 in damages for each call in violation of the TCPA, which, when aggregated among a proposed class in the thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and the damages threshold under the Class Action Fairness Act of 2005 (“CAFA”) are present, and this Court has jurisdiction.

3. Venue is proper in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b)(2) because Defendant does business within the State of Pennsylvania and Plaintiff resides within Delaware County in the State of Pennsylvania.

## PARTIES

4. Plaintiff, MICHAEL SCAVO (“Plaintiff”), is a natural person residing in Delaware County, Pennsylvania and is a “person” as defined by 47 U.S.C. § 153 (39).

5. Defendant, ACCOUNT DISCOVERY SYSTEMS, LLC (“Defendant”) is a debt collection company, and is a “person” as defined by 47 U.S.C. § 153 (39).

6. The above named Defendant, and its subsidiaries and agents, are collectively referred to as "Defendants." The true names and capacities of the Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and capacities of the DOE Defendants when such identities become known.

7. Plaintiff is informed and believes that at all relevant times, each and every Defendant was acting as an agent and/or employee of each of the other Defendants and was acting within the course and scope of said agency and/or employment with the full knowledge and consent of each of the other Defendants. Plaintiff is informed and believes that each of the acts and/or omissions complained of herein was made known to, and ratified by, each of the other Defendants.

## **FACTUAL ALLEGATIONS**

8. Beginning within the last year, Defendant contacted Plaintiff on Plaintiff's cellular telephone number ending in -8055, in an attempt to collect on an alleged debt.

9. Defendant called Plaintiff multiple times in connection with collection on an alleged debt.

10. Defendant left Plaintiff several voice messages with call back numbers, including without limitation, (716) 562-3709.

11. Defendant called and left voice messages on the telephones of third parties, including without limitation, Plaintiff's mother, in connection with collection on the alleged debt from Plaintiff.

12. Defendant placed multiple collection calls to Plaintiff on his cellular telephone ending in -8055 within the last year.

13. Plaintiff received numerous collection calls from Defendant within a 12-month period.

14. Defendant contacted Plaintiffs in a manner that would constitute harassment, annoyance, and abuse.

15. Defendant contacted Plaintiffs at times known to be inconvenient for Plaintiff.

16. Defendant caused Plaintiffs' telephone to ring in a manner that would constitute harassment.

17. Defendant denies doing anything wrong.

1       18. Defendant's conduct violated the FDCPA in multiple ways, including  
2 but not limited to:

3       a. Causing a telephone to ring repeatedly or continuously to annoy  
4           Plaintiff (Cal Civ Code §1788.11(d));

5       b. Communicating, by telephone or in person, with Plaintiff with such  
6           frequency as to be unreasonable and to constitute an harassment to  
7           Plaintiff under the circumstances (Cal Civ Code §1788.11(e));

8       c. Causing Plaintiffs telephone to ring repeatedly or continuously  
9           with intent to harass, annoy or abuse Plaintiff (§1692d(5)); and

10      d. Communicating with Plaintiff at times or places which were  
11           known or should have been known to be inconvenient for Plaintiff  
12           (§1692c(a)(1)).

13      **COUNT I: VIOLATION OF FAIR DEBT**

14      **COLLECTION PRACTICES ACT**

15      19. Plaintiff reincorporates by reference all of the preceding paragraphs.

16      **JURY DEMAND**

17      20. Pursuant to the Seventh Amendment to the Constitution of the United  
18           States of America, Plaintiff is entitled to, and demands, a trial by jury.

19      Respectfully Submitted this 20th Day of October, 2017.

20      LAW OFFICES OF TODD M. FRIEDMAN, P.C.

21      24      By: /s Cynthia Z. Levin  
22      25           Cynthia Z. Levin, Esq.  
26           Law Offices of Todd M. Friedman, P.C.  
27           Attorney for Plaintiff

**PROOF OF SERVICE**

1 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
 2 and not a party to the within action. My business Address is 21550 Oxnard St., Suite 780  
 3 Woodland Hills, CA 91367.

4 On October 20, 2017, I served the following document(s) described as: **FIRST**  
**AMENDED COMPLAINT** on all interested parties in this action by placing:

5 [ X] A true copy  
 6 [ ] the original thereof enclosed in sealed envelope(s) addressed as follows:

Brendan H. Little Lippes Mathias Wexler Friedman LLP 50 Fountain Plaza, Suite 1700 Buffalo, NY 14202	Eastern District of Pennsylvania U.S. Courthouse 601 Market Street, Room 2609 Philadelphia, PA 19106-1797
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9 [ ] BY FACSIMILE – The facsimile machine used complied with Rule 2003(3) and  
 10 no error was reported by the machine. Pursuant to Rule 2008(e)(4), caused the  
 11 machine to print a record of the transmission.

12 [ ] BY ELECTRONIC SERVICE – I transmitted a PDF version of this document by  
 13 electronic mail to the party(s) identified above using the e-mail address(es)  
 14 indicated..

15 [X] BY MAIL I deposited such envelope in the mail at Woodland Hills, California.  
 16 The envelope was mailed with postage thereon fully prepaid. I am “readily  
 17 familiar” with the firm’s practice of collection and processing correspondence for  
 18 mailing. Under that practice it would be deposited with the U.S. Postal Service on  
 19 that same day with postage thereon fully prepaid at Woodland Hills, California in  
 20 the ordinary course of business. I am aware that on motion of the party served,  
 21 service is presumed invalid if postal cancellation date or postage meter date is more  
 22 than (1) day after date of deposit for mailing in affidavit..

23 [X] STATE – I declare under penalty of perjury under the laws of the State of  
 24 California that the above is true and correct.

25 Executed on October 20, 2017, at WOODLAND HILLS, California.

26 By: \_\_\_\_\_  
 27  
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Yoel S. Hanohov